



**US Army Corps
of Engineers**
Omaha District

PUBLIC NOTICE

Application No: 199640437

Applicant: Wyoming Department of Transportation

Waterway: Brooks Lake Creek and wetlands

Issue Date: February 8, 2005

Expiration Date: March 9, 2005

30 DAY NOTICE

Wyoming Regulatory Office 2232 Dell Range Blvd., Suite 210 Cheyenne, Wyoming 82009

JOINT NOTICE OF PERMIT PENDING

U.S. ARMY CORPS OF ENGINEERS AND WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY

The application of the Wyoming Department of Transportation, 5300 Bishop Boulevard, Cheyenne, Wyoming, 82009, under the provisions of Section 404 of the Clean Water Act, is being considered by the District Engineer, U.S. Army Corps of Engineers, Omaha, Nebraska, for approval of plans and issuance of a permit under the authority of the Secretary of the Army.

The applicant is requesting provisional authorization under the provisions of Section 404 of the Clean Water Act to permanently discharge dredge and fill material into a maximum total of 36.032 acres of wetlands, and additional discharges in other waters of the United States, for the overall project, as well as the specific authorization of the Brooks Lake Section (as described below). The purpose of the project is to upgrade and rehabilitate 37.7 miles of U.S. Highway 287/26 from Moran to 12 miles west of the Town of Dubois to safely accommodate current and projected future traffic through 2025 in a manner that will allow for reasonable maintenance and support National Forest management goals for the lands adjacent to the roadway. An Environmental Impact Statement has been completed and the Federal Highway Administration issued a Record of Decision February 14, 2004. The Corps participated as a cooperating agency in the formulation of that document and intends to rely upon it, as well as additional information submitted with the permit application, to render a decision on the applicant's request.

The 37.7-mile project is proposed to be constructed in 5 phases. These phases include (from west to east): the Buffalo Fork River Section, Rosie's Ridge Section, Fourmile Meadows Section, Togwotee Pass Section and Brooks Lake Section. Due to constraints associated with designing the entire road project and determining the specific impacts to aquatic resources for the overall project, the applicant will provide detailed designs for each phase as that information is developed.

The application identifies the maximum proposed impacts from the overall project to waters of the U.S., including wetlands, as well as detailed designs for the first phase: the Brooks Lake Section. The Corps is evaluating the overall project associated with this permit and, if determined to comply with Regulatory requirements, will provisionally approve the overall corridor proposal and associated design criteria to be applied to the highway project as well as specifically evaluate, and if warranted approve, the Brooks Lake Section. Subsequent phases of the project will be submitted for specific review and approval under a permit amendment as they are designed.

Additional avoidance and minimization efforts beyond those identified in the EIS occur during the applicant's design process and will be evaluated for each phase. Based on the applicant's efforts to date, the design process usually results in a 50% reduction in impacts to aquatic resources. Permanent fill impacts to wetlands proposed with each of the phases include: Buffalo Fork River – 2.74 acres, Rosie's Ridge – 2.6 acres, Fourmile Meadows – 8.891 acres, and Togwotee – 18.343 acres. Impacts to other waters of the U.S. and temporary impacts have not been defined for these phases but would be part of subsequent submittals of information with each phase. The applicant proposes the following impacts to aquatic resources with the Brooks Lake Section of the corridor project: 3.458 acres of permanent impact to jurisdictional scrub/shrub and emergent slope and riverine wetlands, 0.06 acres of permanent impact to other waters of the U.S., 0.103 acres of temporary impacts to other waters of the U.S. for construction activities, and 0.37 acres of impact to non-jurisdictional (isolated) wetlands. Impact areas are shown on attached plan sheets.

The applicant evaluated 8 alternatives in the EIS, including the no action, a new alignment and a mass transit option. The remaining 5 alternatives focused on various issues raised in scoping and attempted to maximize characteristics to address the identified issues. The alternatives included safety, wildlife, recreation, visual quality, and a merged or "team consensus" option. The applicant is proposing to implement the team consensus option. This option proposes design characteristics that include 12 foot travel lanes, 40 foot clear zones (which is comprised of the shoulder - proposed to be 8 feet - as well as variable fill slopes), and rounded and vegetated ditches. Specific sections of the existing road will be realigned and widened with bridges and culverts replaced. The applicant initially identified a 6-foot shoulder within a 30-foot clear zone in the draft EIS but modified this design characteristic to an 8-foot shoulder within a 20-foot clear zone. Typical sections associated with each of the 5 alternatives, as well as the usual reduction of 7.34 feet of lateral fill that occurs with an 8-foot shoulder in a 20-foot clear zone are shown on drawings attached to this public notice.

Wyoming Department of Transportation has provided a conceptual wetland and waters mitigation plan for the 4 future phases of the project. This plan proposes the construction of approximately 28 acres of emergent and scrub/shrub wetlands at 15 sites associated with the Buffalo Fork River, Four Mile Meadows, and Togwotee Pass phases. The general locations of potential mitigation sites are identified by milepost on the overall road corridor drawing attached to this public notice. The applicant has also submitted a detailed wetland mitigation plan that proposes the creation of 4.324 acres of scrub/shrub and emergent slope and riverine wetlands. Designs for this site are attached to the public notice.

The project is located in the Bridger-Teton and Shoshone National Forests as well as Teton National Park, Fremont and Teton Counties, Wyoming.

The Wyoming Department of Environmental Quality, Water Quality Division, Herschler Building, 122 West 25th Street, Cheyenne, Wyoming 82002, will review this proposed project with an intent to certify in accordance with provisions of Section 401 of the Clean Water Act. The certification, if issued, will express the state's opinion that the operations undertaken by the provisions of this project will not result in a violation of applicable water quality standards. The Wyoming Department of Environmental Quality hereby incorporates this public notice as its own public notice and procedures by reference thereto.

The Corps views the Federal Highway Administration as the lead Federal agency for the proposal and is responsible to ensure compliance with the NHPA of 1966. A concurrence determination is contained in the Final EIS from the State Historic Preservation Officer. We will evaluate input by the SHPO and the public relative to this statute in response to this public notice, and we may conduct or require a reconnaissance of the permit area or check for unknown historic properties, if warranted.

The Omaha District also views the Federal Highway Administration as the lead Federal agency for the proposal to ensure compliance with the Endangered Species Act. The Service issued a Biological Opinion for the project to the Federal highway Administration August 22, 2003 for the project. We will evaluate input from the U.S. Fish and Wildlife Service and the public relative to this statute in response to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impacts of the work on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404 (b) of the Clean Water Act (40 C.F.R.; Part 230).

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for the proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental affects, and the other public interest factors listed above. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

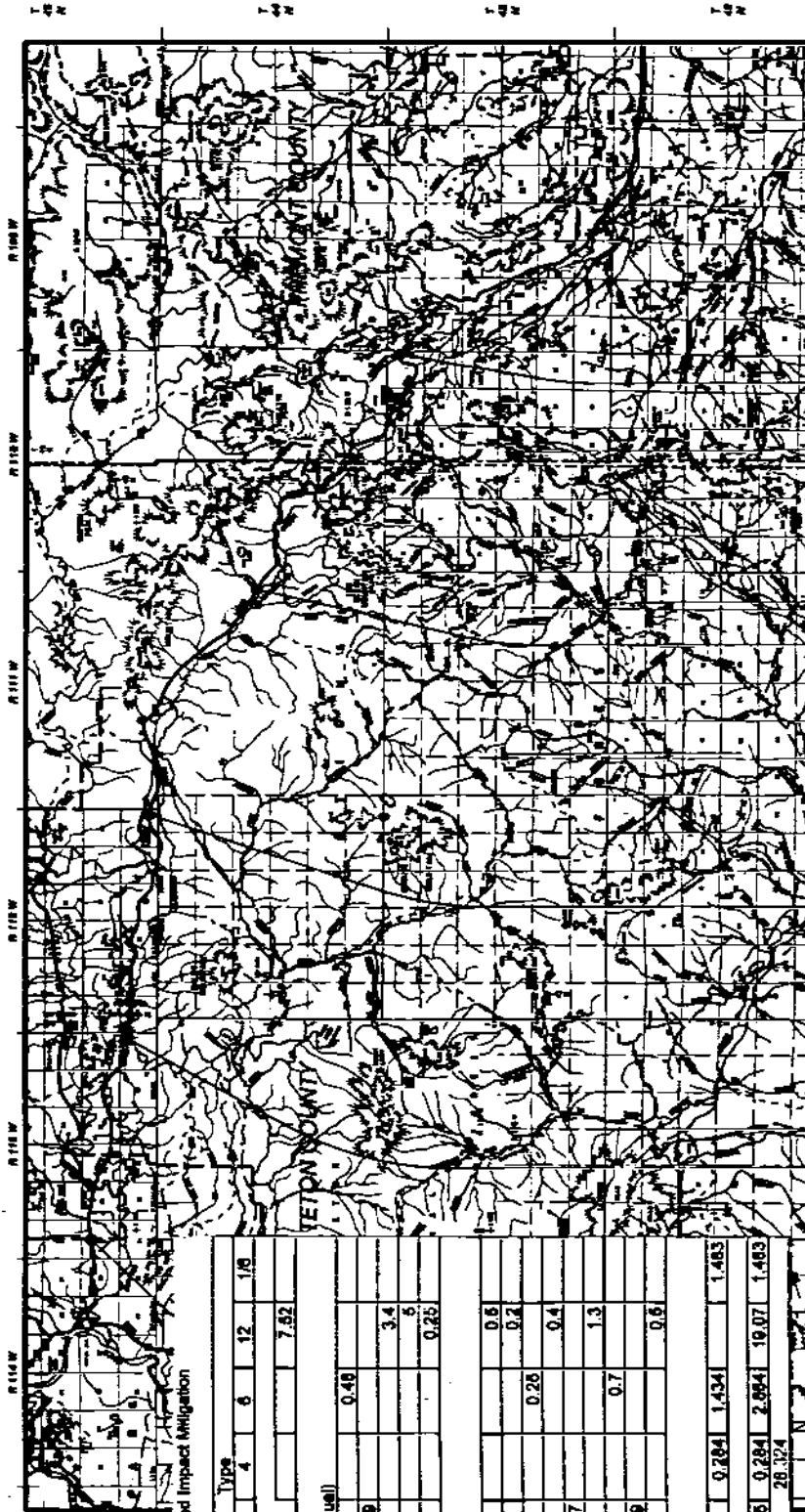
Any person may request, in writing and within the comment period specified in this notice, that a public hearing be held for the purpose of gathering additional information. Requests for public hearings must be identified as such and shall state specifically the reasons for holding a public hearing and shall identify what additional information would be obtained. The request must be submitted to the Corps of Engineers, Regulatory Office, 2232 Dell Range Boulevard, Suite 210, Cheyenne, Wyoming, 82009.

Any interested party (particularly officials of any town, county, state, federal agency, or local association whose interests may be affected by the work) is invited to submit to this office written facts, arguments, or objections on or before the expiration date of this notice. Any agency or individual having an objection to the work should specifically identify it as an objection with clear and specific reasons. Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this application. All replies to the public notice should be addressed to the address listed in the previous paragraph. Chandler Peter, telephone number (307) 772-2300, may be contacted for additional information.

Comments received after the close of business on the expiration date of this public notice will not be considered. A permit, if issued, will be under the provisions of Section 404 of the Clean Water Act.

Public Notices issued by the Wyoming Regulatory Office can also be obtained by visiting its web site at <http://www.now.usace.army.mil/html/od-rwy/Wyoming.htm>

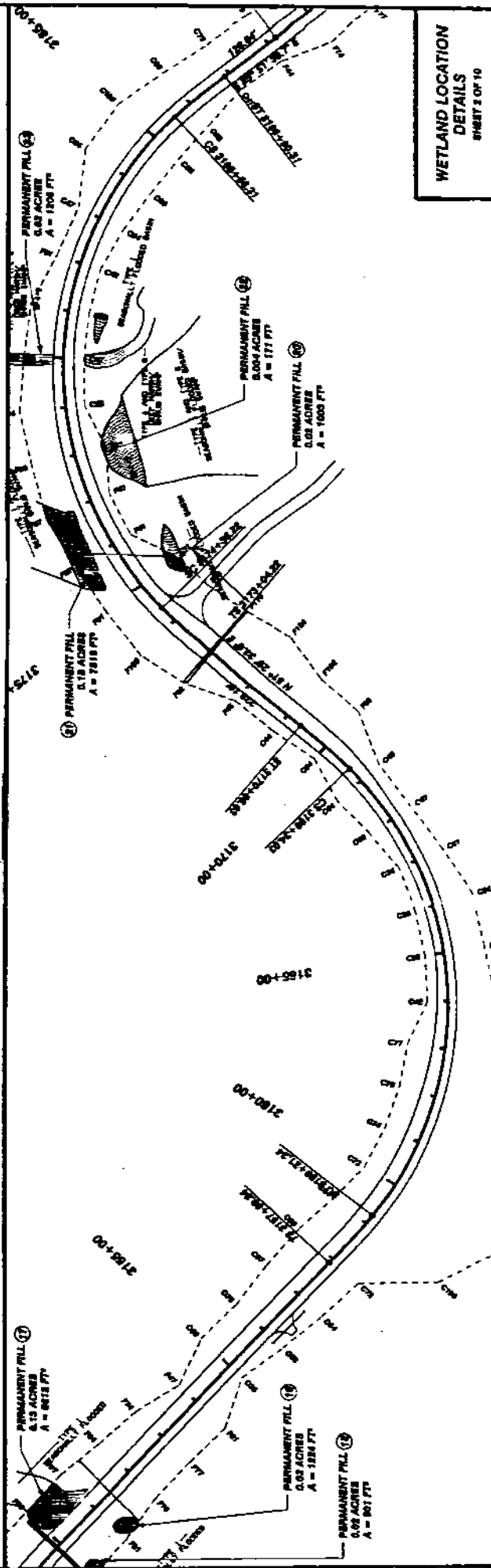
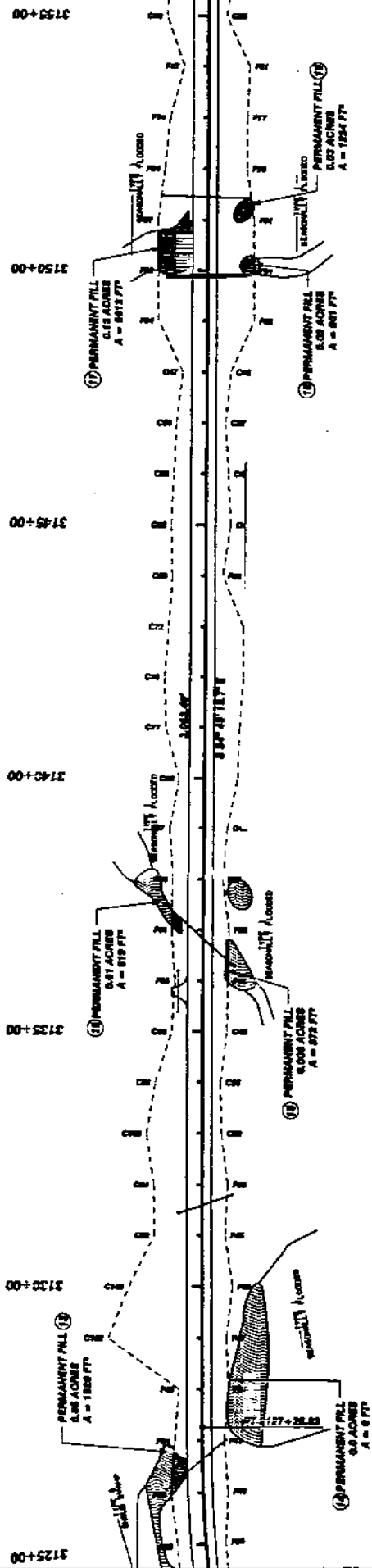
MORAN JUNCTION - DUBOIS ROAD MP 3.0 TO MP 40.6



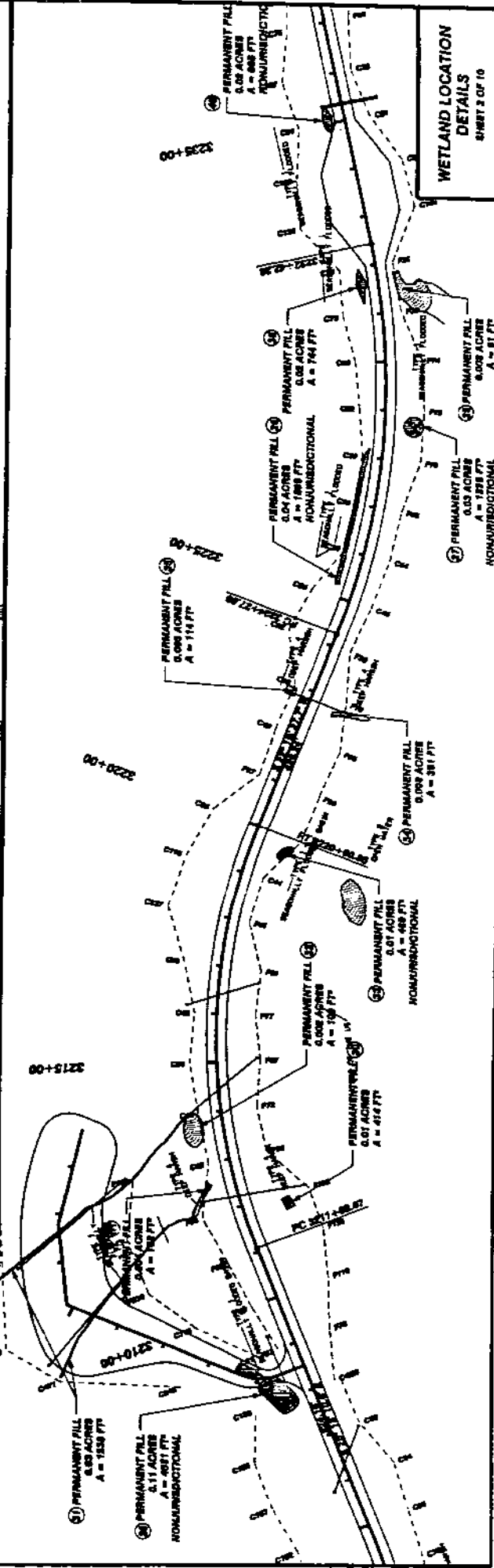
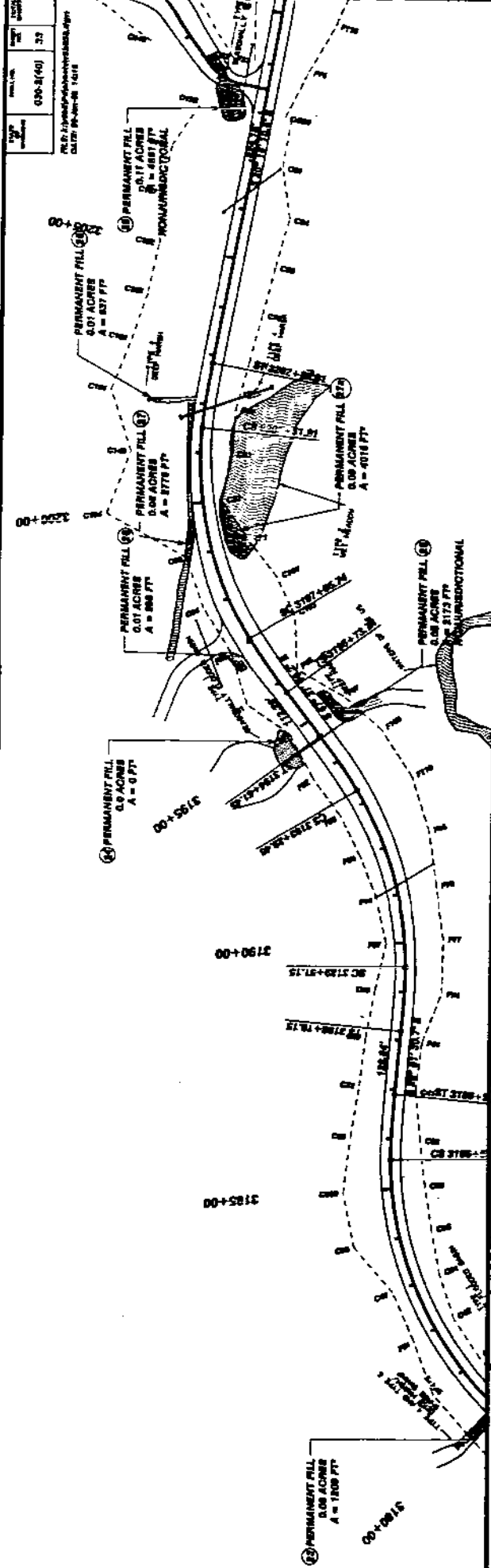
Corridor Wetland Impact Mitigation

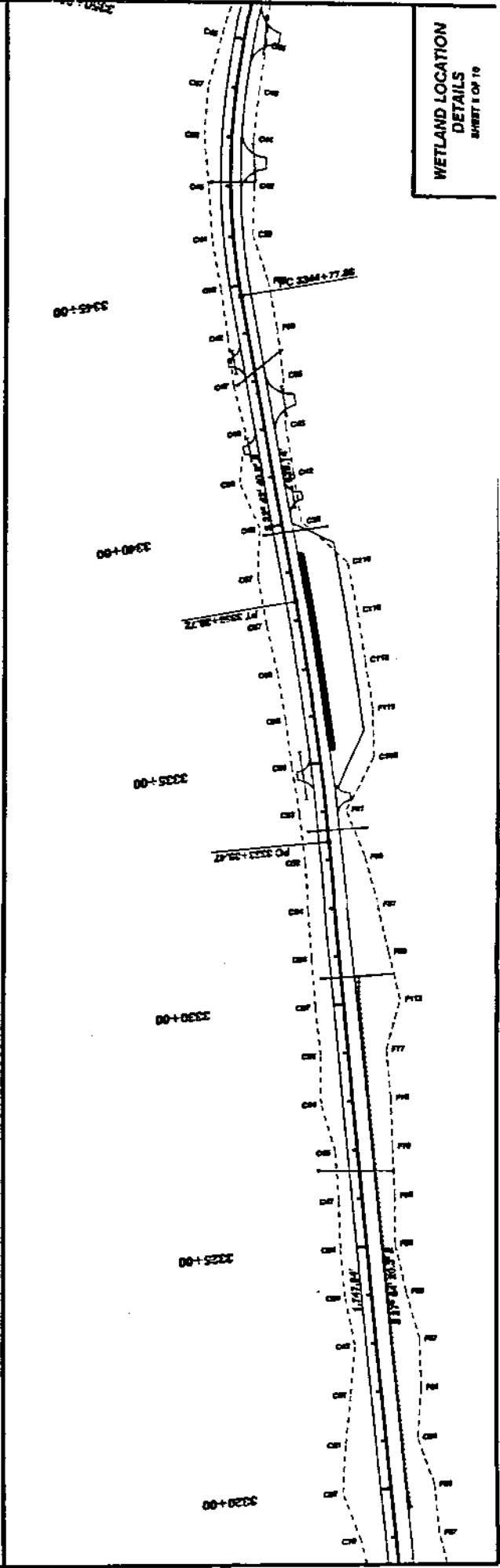
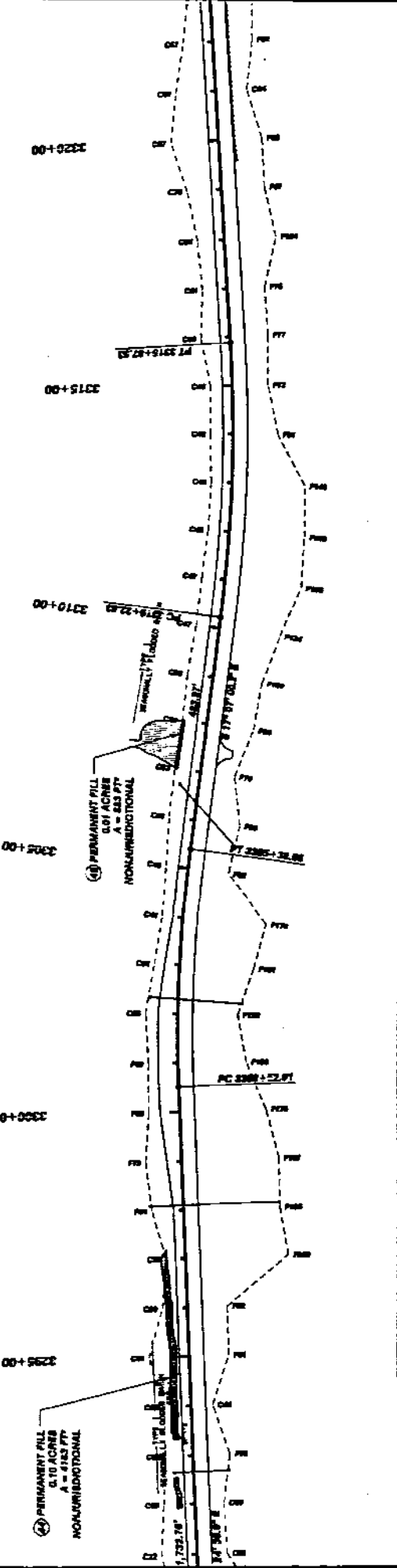
Section	1	2	4	6	12	1/8
Buffalo Fork (Preliminary)						
Black rock Admin site MP 8.1						7.82
Four Mile Meadows (Conceptual)						
MP 14.7					0.48	
MP 18.1		0.9				
MP 18.6						3.4
MP 18.6						6
MP 19.1						0.25
Toowotee Pass (Conceptual)						
MP 23.3						0.6
MP 23.5						0.2
MP 24.5				0.28		
MP 24.9						0.4
MP 26.6		0.7				
MP 28.5						1.3
MP 28.7				0.7		
MP 28.9			1.9			
MP 29.5						0.6
Brooks Lake (Final)						
MP 31.0	1.123		0.284	1.434		1.483
Subtotal	1.123	3.5	0.284	2.864	19.07	1.483
Total (acres)	28.324					

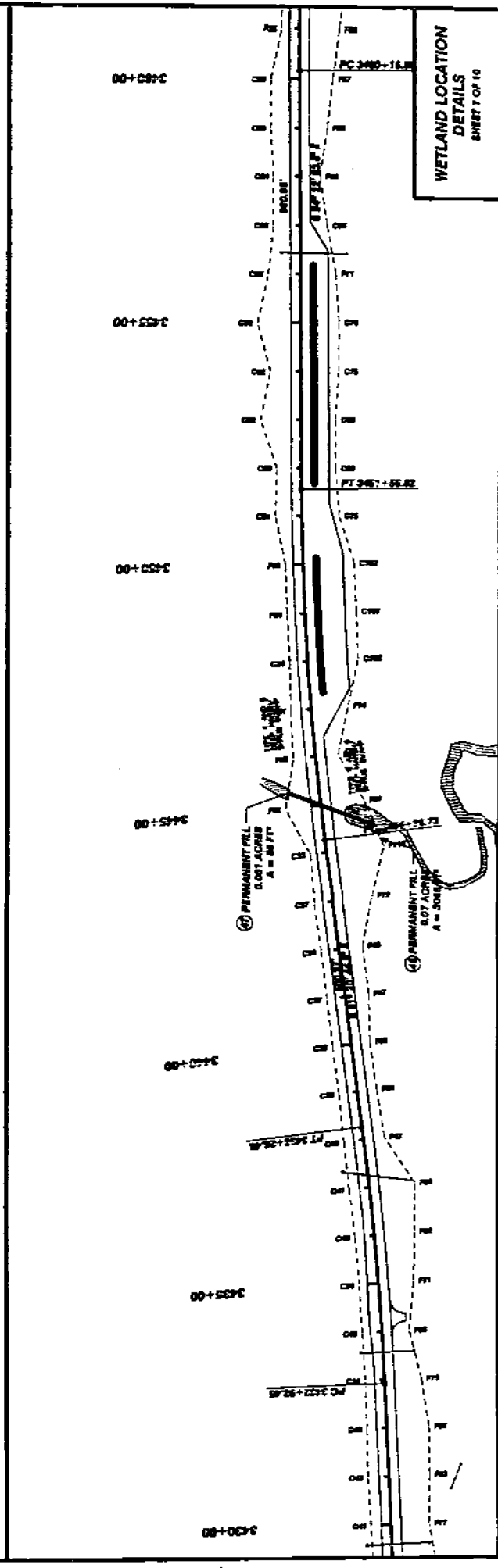
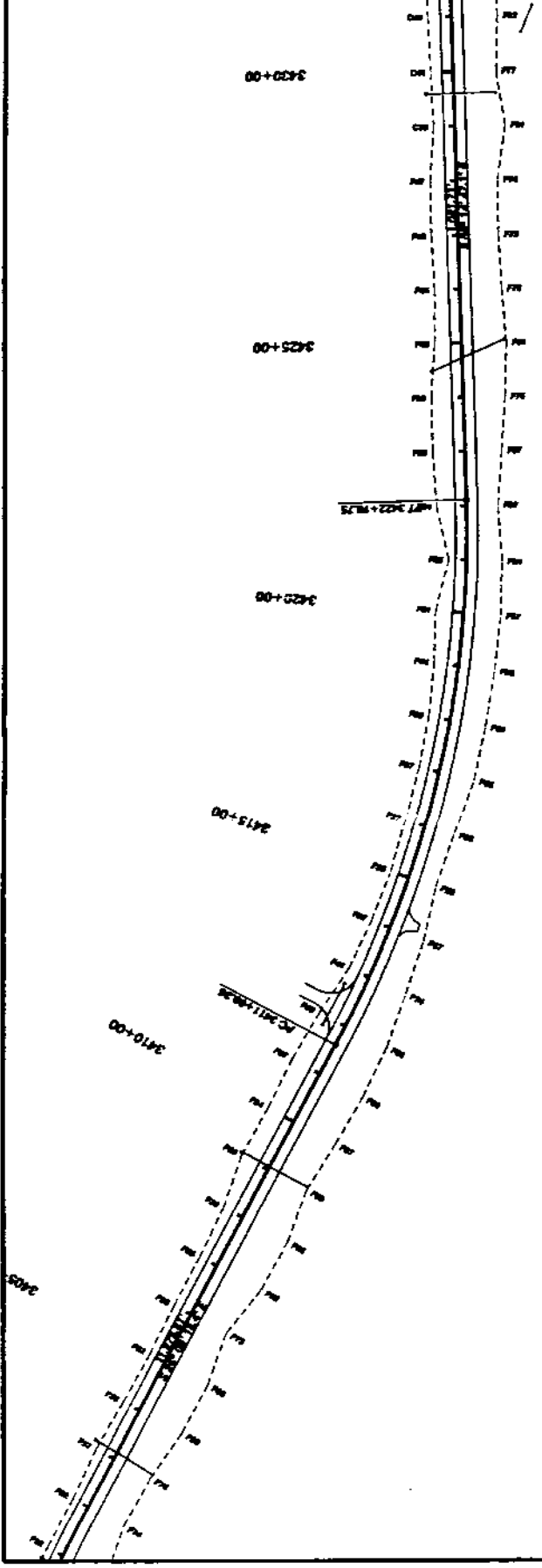
BUFFALO FORK RIVER SECTION 4.83 MILES 2008	MP 3.00	\$14,400,000
ROBERTS RIDGE SECTION 6.64 MILES 2008	MP 7.25	\$24,000,000
FOUR MILE MEADOWS SECTION 6.81 MILES 2007	MP 14.7	\$18,000,000
TOOWOTEE PASS SECTION 8.92 MILES 2008	MP 21.25	\$24,000,000
BROOKS LAKE SECTION 8.76 MILES 2008	MP 36.00	\$18,000,000
END CORRIDOR MP 40.65		
CORRIDOR LENGTH = 37.65 MILES		



**WETLAND LOCATION
DETAILS**
SHEET 2 OF 10



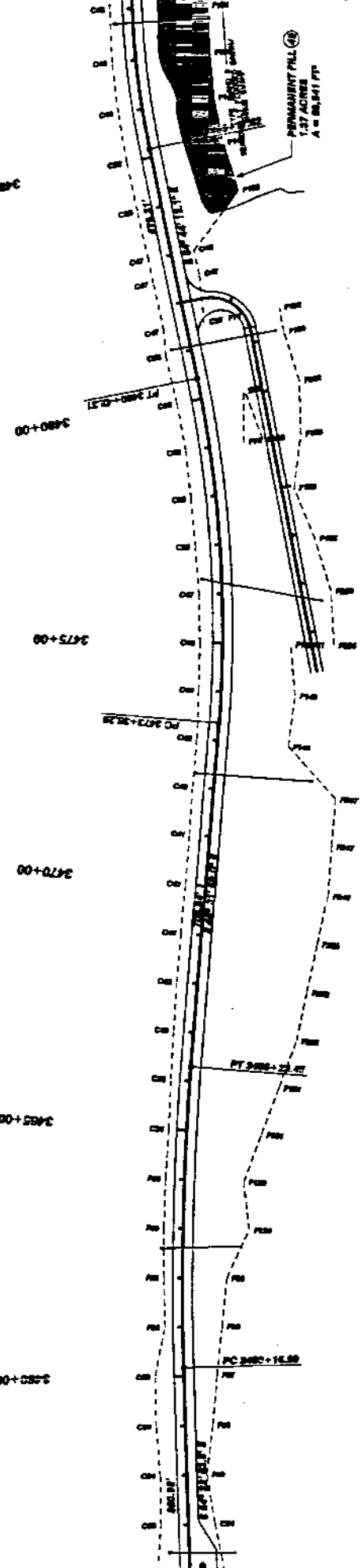




WETLAND LOCATION
DETAILS
SHEET 7 OF 10

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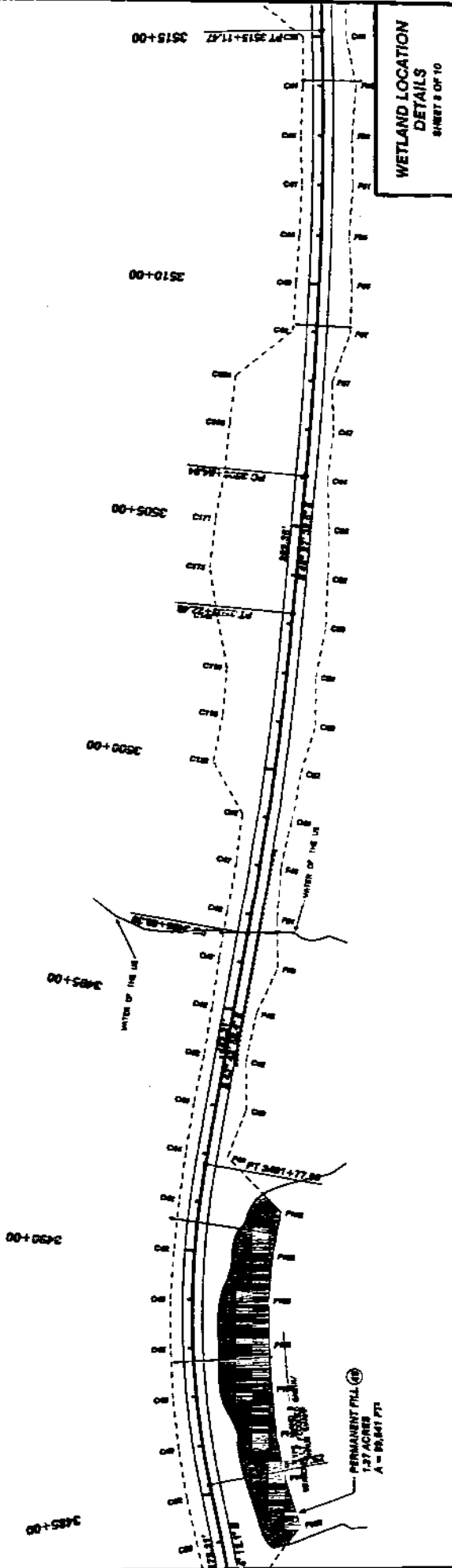


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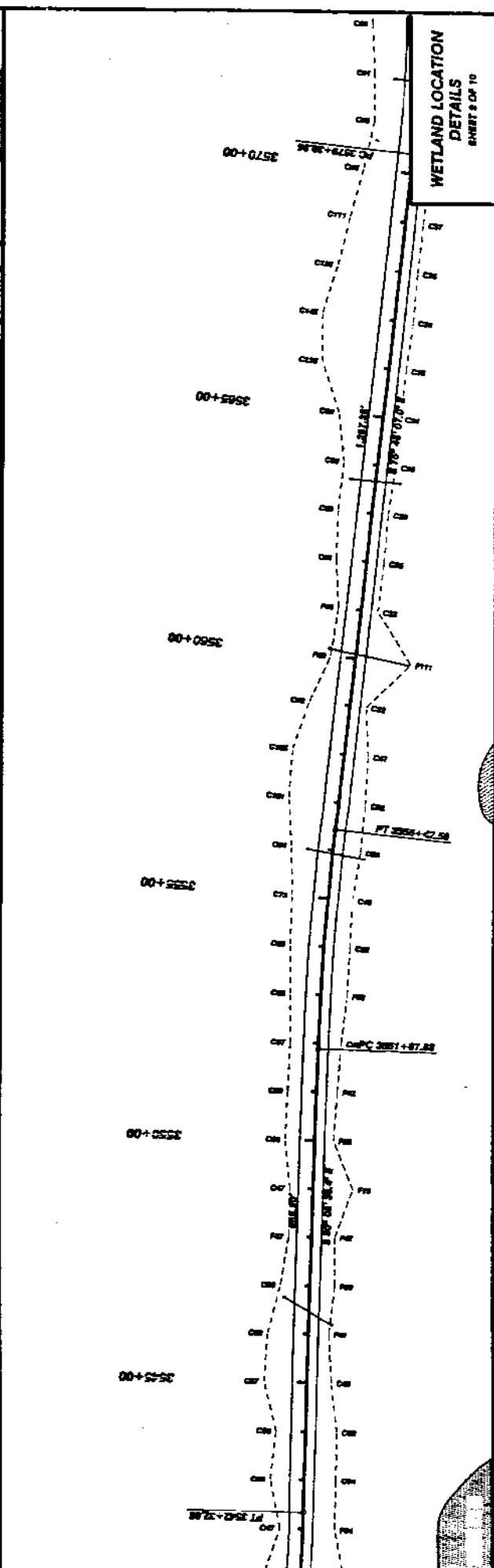
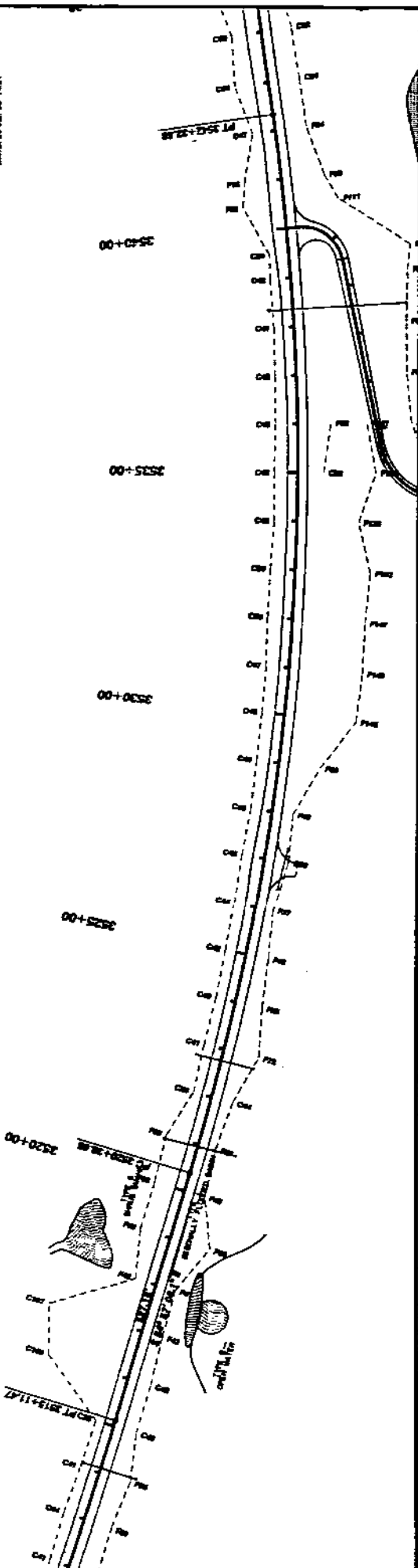
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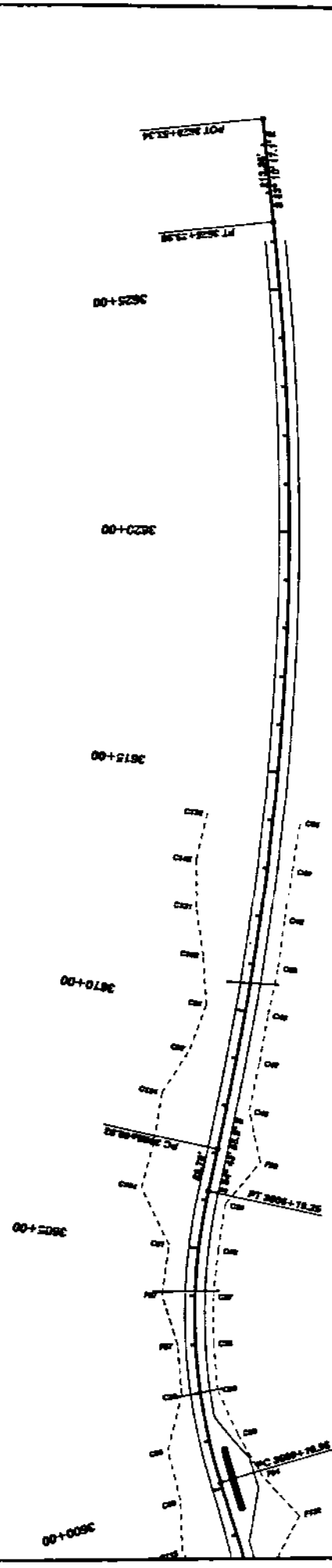
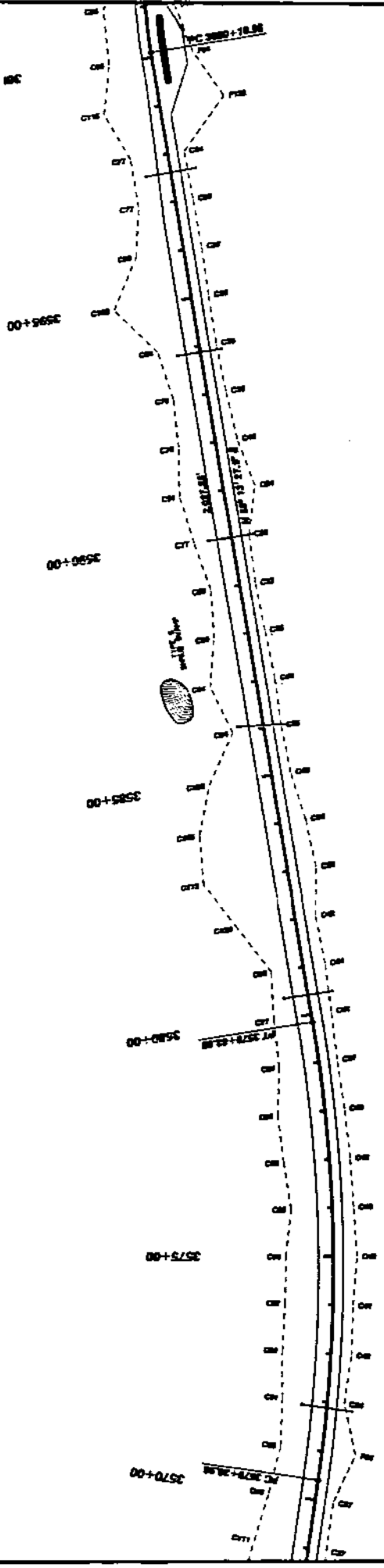
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WETLAND LOCATION
 DETAILS
 SHEET 8 OF 10

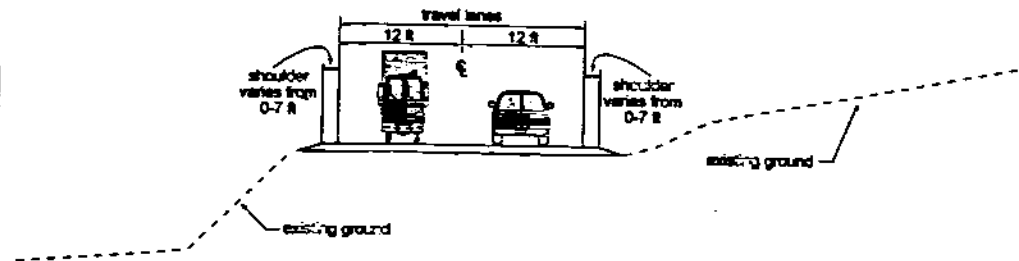


WETLAND LOCATION
DETAILS
SHEET 9 OF 10

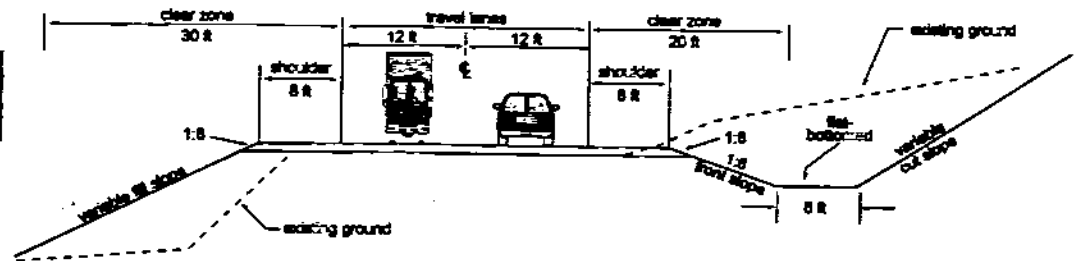


WETLAND LOCATION
 DETAILS
 SHEET 10 OF 10

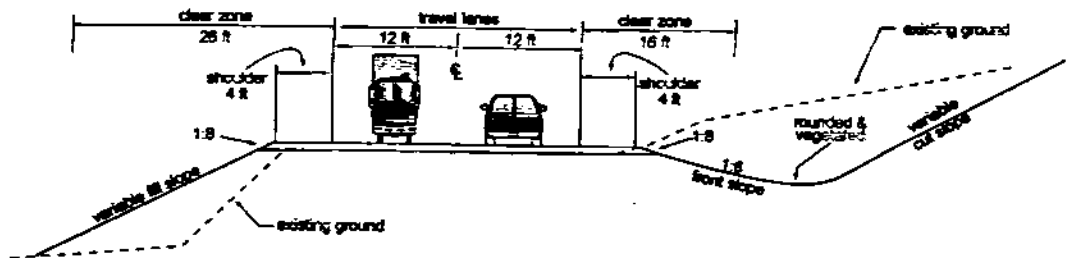
**No Action
Alternative**



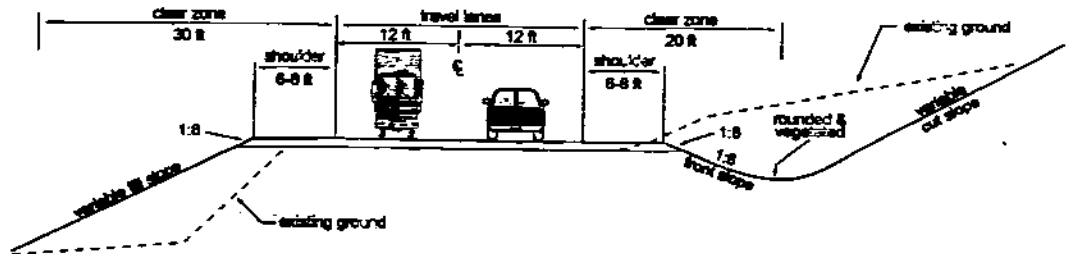
**Alternative A
Roadway Safety**



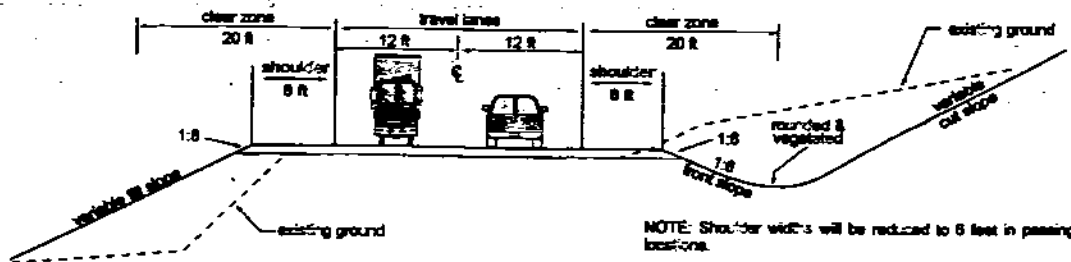
**Alternatives:
B: Wildlife
D: Visual Quality
B/D: Wildlife/Visual**



**Alternative C
Recreation**

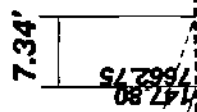
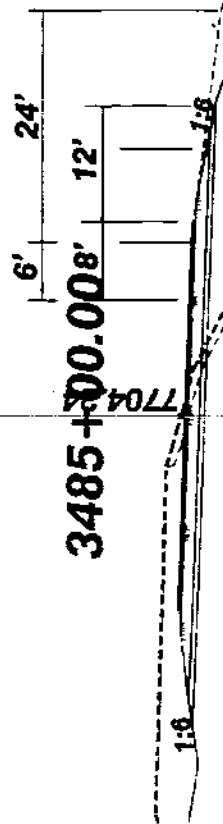


**Alternative E
Team Consensus**



NOTE: Shoulder widths will be reduced to 5 feet in passing lane locations.

Note: Typical sections do not show the total ground disturbance to construct the roadway.



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E 2670376.1912

